

Remarks:

After entry of this Amendment, claims 1-20 are pending in the subject application. Claims 1-8 and 14-20 have been amended to overcome the Examiner's rejections. Reconsideration of the application as amended is respectfully requested.

The Examiner rejected claims 1-8 and 14-19 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner stated that the preambles of claims 1-8 and 14-19 recited the term "improved;" however, the Applicant does not appear to be reciting Jepson claims. The Examiner noted that this term is indefinite because it is a narrative opinion of one person. Someone else may not look at this invention as an improvement. The Examiner felt that these phrases were vague, indefinite, and/or awkwardly and confusingly worded. The Examiner requested to use terms that do not make assertions that may or may not be true.

Applicant has amended claims 1-8 and 14-18 to delete the term "improved." However, Applicant respectfully notes that claim 19 is a Jepson claim and should be examined as such. With these amendments in mind, the Applicant respectfully requests that the Examiner reconsider and withdraw the rejections to claims 1-8 and 14-19 under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 1, 4-9, and 14-19 under 35 U.S.C. § 102(e) as being anticipated by Dellach, et al., U.S. Publication No. US2002/0195761. The Examiner noted that

Dellach, et al. discloses a power clamp having a housing (18) with two high-strength planar plates (24), two lower-strength members (22), internal means with elongated slot (28), pins (72), and clamping arm (20).

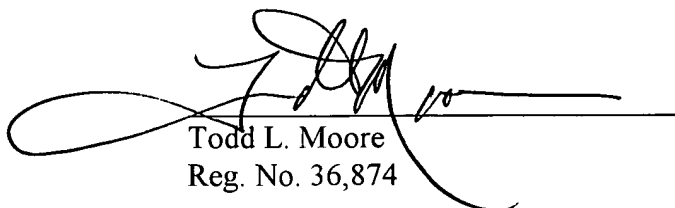
Applicant respectfully submits a Declaration Under 37 C.F.R. § 1.132 from Jeffery Dellach who is one of the co-inventors of the subject application. The Declaration states that the co-inventors listed in the subject application are the inventors of the subject matter defined in the rejected claims of the subject application and that the same subject matter was disclosed in Dellach, et al. and invented by the same three inventors listed in the subject application. Therefore, the subject matter cited in Dellach, et al. was not published by another as required by 35 U.S.C. § 102(e). Thus, Dellach, et al. is not a valid 35 U.S.C. § 102(e) reference, and therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections to claims 1, 4-9, and 14-19 under 35 U.S.C. § 102(e).

The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Dellach, et al., U.S. Publication No. US2002/0195761. For the same reasons noted above, Dellach, et al. is not a valid 35 U.S.C. § 102 reference, and therefore, Dellach, et al. is not a valid 35 U.S.C. § 103(a) reference. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection to claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Dellach, et al.

For the foregoing reasons and in light of the claims as amended, Applicant respectfully requests that the rejections be withdrawn and the claims be allowed to proceed to issue.

The Examiner is invited to contact Applicant's undersigned counsel at (734) 662-0270 or by email at tlmyb@aol.com if there are any questions.

Respectfully Submitted,



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